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SUBJECT: USCIRF meetings in Khartoum: The Status of Sharia Law

¶1. (U) Summary: The US Commission on International Religious Freedom (USCIRF) arrived in Khartoum on January 10 and departed on January 21. The delegation met with various interlocutors about the status of religious freedom, especially for Christians living in Khartoum. Overall, there was much debate about how sharia law would apply to non-Muslims living in Khartoum. On January 4, the Presidency decided that sharia law would apply to all people in the North, including non-Muslims; however, there would be a Commission for the Protection of Non-Muslims that would ensure that non-Muslims would not be adversely affected by the law. The Commission has been created but no one has been named to it. End Summary.

Application of Sharia Law

¶2. (U) In a January 16, meeting with the Assistant Secretary of the Bar Association, Abdel Rahman Ibrahim, the Commission inquired about the status of sharia law in the North, particularly how it was applied to non-Muslims. Ibrahim said that sharia law was part of the political, social, and cultural development of Sudan before the British entered the country. Although there were differences within Islam on the application of sharia law, he added, the basic principles of sharia law remain and are implemented in Sudan. According to Ibrahim, sharia law should be applied to all people in the North; however, non-Muslims in Khartoum were exempted. Ibrahim added that Southern women who brew alcohol in the squatter areas were arrested according to statutes deriving from old British law, not sharia law, in which brewing alcohol was also illegal.

¶3. (U) The Commission spoke with the Minister of Foreign Affairs, Lam Akol, who stated that Christians in Khartoum were not exempted from certain punishments under sharia law, such as lashings. However, there were discretionary ways of applying sharia to Christians. The Minister added that the Commission for Human Rights had not yet been established and required the National Assembly to pass an Act to provide it a legal basis.

No History of Religious Intolerance

¶4. (U) On January 18, the Commission spoke with Said El Khatib, Director of the government supported Sudan Strategic Studies Institute and also a member of the Assessment and Evaluation Commission (AEC). He said that the Sudanese people have always been tolerant of other religions, and there was no history of religious persecution. However, as the war with the South continued, religion became a factor. El Khatib added that the Commission for the Protection of Non-Muslims was not expected to deal with daily claims, but instead with the larger issues of protecting non-Muslims.

¶5. (U) On January 17, the Commission spoke with the Minister of Investment, Malik Agar, who said that the administration of the capital demonstrated the ruling parties' intolerance

of religious freedom. According to Agar, applying sharia law to Christians in the capital makes "Christians behave like Muslims."

Intra-Islam Debate

¶ 6. (U) In a January 17 meeting with Saadig al Mahdi, the leader of Umma Party and former Prime Minister of Sudan from 1985-1988, al Mahdi commented that the Comprehensive Peace Agreement was not comprehensive, and should be called the Nawaisha Peace Agreement. For the agreement to be comprehensive, he added, it should have been ratified nationally. Furthermore, he said, the agreement left several issues unresolved, such as religious freedom, particularly for Muslims that disagree with the current regime. According to al Mahdi, the SPLM sold out the "silent majority" (Muslims in the North that oppose the current regime) by agreeing with the government to implement sharia law in the North. The question remained, Mahdi added, as to which interpretation of Islam would be implemented in the North. Mahdi said that the CPA-mandated Commission for the Protection of Non-Muslims should not be government-run, but instead an independent commission to prevent government control.

¶ 7. (U) Comment: The various meetings demonstrated a lack of consensus on applying sharia law to non-Muslims in the North. This issue needs to be resolved in order to stipulate how sharia law will apply to non-Muslims in the capital, or non-Muslims may be subjected to differing punishments based on varying interpretations of sharia law.

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